

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

BRIAN TACKETT

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:23-cv-200-MPM-JMV

KATRINA FELLER, ET AL.

DEFENDANTS

ORDER STRIKING SECOND AMENDED COMPLAINT

The *pro se* Plaintiff, Brian Tackett, filed an amended complaint [4] on June 12, 2023. Thereafter, on June 28, 2023, Plaintiff filed a second amended complaint [5]. However, because the *pro se* Plaintiff has amended once as a matter of course under Fed. R. Civ. P. 15(A)(1), he must seek leave from the Court to amend the complaint a second time prior to filing a second amended complaint. Accordingly, the second amended complaint [5] shall be stricken.

At this juncture, any amendment falls under Fed. R. Civ. P. 15(a)(2), which states that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Further, Local Uniform Civil Rule 15 states that “If leave of court is required under Fed. R. Civ. P. 15, a proposed amended pleading must be an exhibit to a motion for leave to file the pleading.” Plaintiff’s failure to seek leave of Court prior to filing the second amended complaint makes the filing improper.

Therefore, the second amended complaint [5] is hereby stricken. Plaintiff is instructed that should he desire to amend his complaint a second time, he must file a motion seeking leave from the Court to do so. Plaintiff must also attach any proposed second amended complaint as an exhibit to the motion in accordance with the Rules.

SO ORDERED this, the 30th day of June, 2023.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE